

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 234**

Introduced by Walz, 15; Aguilar, 35; Blood, 3; Brewer, 43; Day, 49;  
Jacobson, 42.

Read first time January 10, 2023

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to railroads; to amend section 75-109.01,
- 2 Revised Statutes Cumulative Supplement, 2022; to state findings; to
- 3 provide for reporting blocked crossing complaints as prescribed; to
- 4 provide jurisdiction and duties for the Public Service Commission;
- 5 to provide a duty for the Revisor of Statutes; and to repeal the
- 6 original section.
- 7 Be it enacted by the people of the State of Nebraska,

1           Section 1.   (1) The Legislature finds that railroad crossings  
2 blocked by railroad cars, engines, or other rolling stock can disrupt the  
3 lives of Nebraskans, interfere with first responders, and create a public  
4 safety risk. The extent to which railroad crossings in this state are  
5 being blocked should be reported in a manner that helps appropriate  
6 agencies of state government assess and address the problem of such  
7 blocked crossings.

8           (2)(a) Beginning November 1, 2024, and by November 1 each year  
9 thereafter, each railroad company operating in this state shall report to  
10 the Public Service Commission and to the Nebraska State Patrol (i) how  
11 many public complaints the railroad company has received about blocked  
12 railroad crossings, (ii) the dates of such complaints, (iii) the  
13 locations of the blocked crossings, (iv) the duration of time that each  
14 crossing was blocked, and (v) the action taken by the railroad company to  
15 resolve such complaints. The report shall be filed in a manner prescribed  
16 by the commission.

17           (b) For purposes of this subsection, the reporting period shall run  
18 from October 1 of the previous calendar year to September 30 of the year  
19 the report is filed.

20           (3) The commission shall annually compile the reports described in  
21 subsection (2) of this section, together with its own record of blocked  
22 railroad crossing complaints received directly by the commission from the  
23 public, and electronically submit a complete and detailed report of all  
24 such complaints along with the commission's recommendations, if any, to  
25 the Transportation and Telecommunications Committee of the Legislature no  
26 later than December 1 of the corresponding reporting year.

27           Sec. 2. Section 75-109.01, Revised Statutes Cumulative Supplement,  
28 2022, is amended to read:

29           75-109.01 Except as otherwise specifically provided by law, the  
30 Public Service Commission shall have jurisdiction, as prescribed, over  
31 the following subjects:

1 (1) Common carriers, generally, pursuant to sections 75-101 to  
2 75-158;

3 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse  
4 Act and sections 89-1,104 to 89-1,108;

5 (3) Manufactured homes and recreational vehicles pursuant to the  
6 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

7 (4) Modular housing units pursuant to the Nebraska Uniform Standards  
8 for Modular Housing Units Act;

9 (5) Motor carrier registration, licensure, and safety pursuant to  
10 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

11 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil  
12 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections  
13 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with  
14 the provisions of the Major Oil Pipeline Siting Act, the provisions of  
15 the Major Oil Pipeline Siting Act control;

16 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,  
17 74-1323, and 75-401 to 75-430 and section 1 of this act;

18 (8) Telecommunications carriers pursuant to the Automatic Dialing-  
19 Announcing Devices Act, the Emergency Telephone Communications Systems  
20 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call  
21 Regulation Act, the Nebraska Telecommunications Regulation Act, the  
22 Nebraska Telecommunications Universal Service Fund Act, the  
23 Telecommunications Relay System Act, the Telephone Consumer Slamming  
24 Prevention Act, and sections 86-574 to 86-579, 86-1307, and 86-1308;

25 (9) Transmission lines and rights-of-way pursuant to sections 70-301  
26 and 75-702 to 75-724;

27 (10) Water service pursuant to the Water Service Regulation Act; and

28 (11) Jurisdictional utilities governed by the State Natural Gas  
29 Regulation Act. If the provisions of Chapter 75 are inconsistent with the  
30 provisions of the State Natural Gas Regulation Act, the provisions of the  
31 State Natural Gas Regulation Act control.

1           Sec. 3. The Revisor of Statutes shall assign section 1 of this act  
2 to Chapter 74, article 13.

3           Sec. 4. Original section 75-109.01, Revised Statutes Cumulative  
4 Supplement, 2022, is repealed.